

ORDINANCE NO. 3489

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO ESTABLISH COTTAGE DEVELOPMENTS AS A USE BY RIGHT SUBJECT TO SPECIAL REQUIREMENTS IN THE RS-8, RM-6, RM-8 AND RM-16 ZONING DISTRICTS

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, this amendment has been reviewed for consistency with the City comprehensive plan and Smart Growth policies and found to be consistent; and

WHEREAS, the Asheville City Council has determined following a public hearing on June 19, 2007, that it is in the interest of the public health, safety and welfare to amend certain provisions of the Unified Development Ordinance to provide for cottage developments as uses by right subject to special requirements in certain residential zoning districts;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

Section 1. Chapter 7 of the Code of Ordinances of the City of Asheville be amended as follows:

(a) By adding the following definitions to Sec. 7-2-5:

"Cottage development means a cluster of small detached single family residences constructed to specific design standards and arranged around common open space, generally at higher density than the underlying zoning would allow for traditional detached single family residential development."

"Cottage home means a small detached single family residence constructed to specific design standards and arranged around common open space as part of a cottage development."

(b) By amending Sections 7-8-4(d), 7-8-5(d), 7-8-6(d), and 7-8-7(d) to add "cottage developments" as a use by right subject to special requirements.

(c) By adding a new Section 7-16-1(b)(28.1) to read:

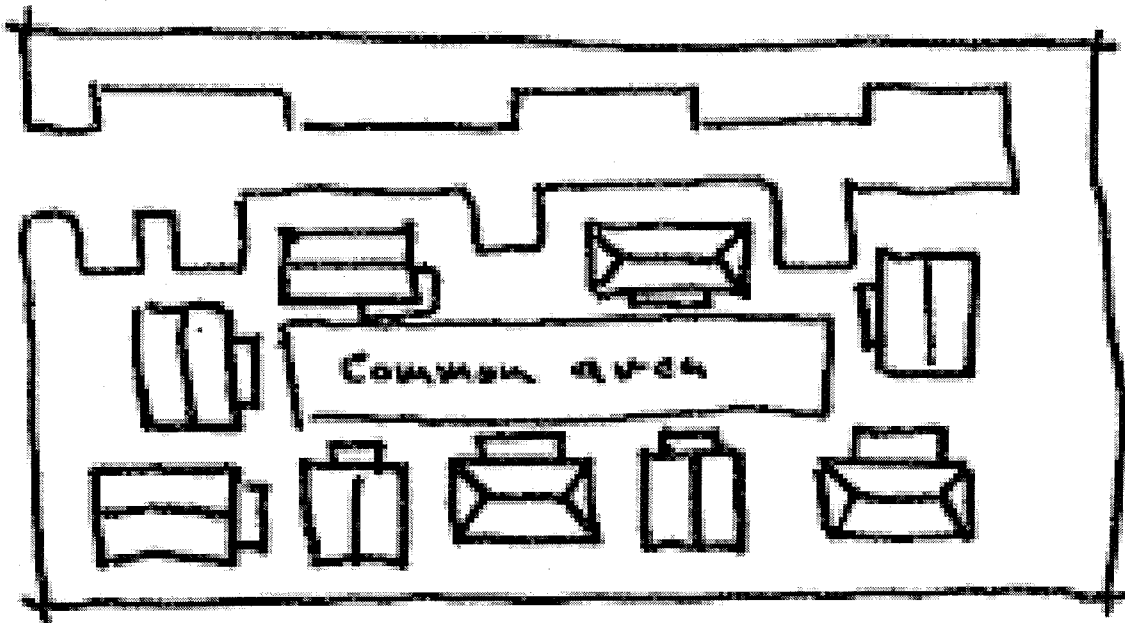
"(28.1) Cottage developments (RS-8, RM-6, RM-8, RM-16)"

(d) By adding a new Section 7-16-1(c)(28.1) to read:

"(28.1) Cottage developments.

- a. Use districts: RS-8, RM-6, RM-8, RM-16.
- b. The minimum development area shall be 30,000 square feet for cottage developments. Other than this restriction, cottage developments shall not be subject to the lot size, width or frontage limitations of the underlying zoning district, provided there is at least a 25 foot wide frontage for the development lot.
- c. The minimum and maximum number of cottage homes in a cottage development shall be five and 12, respectively. Cottage developments shall not be subject to the density limitations of the underlying zoning district.
- d. Cottage developments shall not be developed on sites subject to steep slopes and ridgetop requirements or on sites or portions of sites having a finished grade of greater than 15%.
- e. Cottage developments shall be located a minimum of 1,000 feet from other cottage developments. In calculating the 1,000 foot distance between such uses, measurements shall be taken from the closest property line of the lot of the closest existing cottage development to the closest property line of the lot of the proposed cottage development.
- f. The minimum setback requirements for principal and accessory structures in cottage developments shall be as follows:
 - All structures shall be setback at least 15 feet from any adjoining street right-of-way or property line.
 - There shall be at least six feet separating cottage homes from each other on all sides.
 - Accessory structures shall be located at least six feet from other structures.
- g. The maximum height for cottage homes shall be 28 feet. Accessory structures shall not exceed 20 feet in height. For the purpose of this subsection, height shall be calculated as the vertical distance from grade to the midpoint of the peak and eave.
- h. The maximum gross floor area for individual cottage homes shall be 1,400 square feet, with a maximum gross floor area on the ground floor of 1,200 square feet. For the purpose of this subsection, gross floor area shall include the floor area of any attached garages and shall not include the floor area of any roofed porches, provided such porches are not enclosed. Accessory structures shall be limited to detached garages and community buildings and such uses shall not contain more than 800 square feet of gross floor area. The maximum number of such accessory structures shall not exceed 60% of the total number of cottage homes in a cottage development.
- i. Parking requirements for cottage developments shall be as follows:
 - The minimum and maximum parking requirement for cottage developments shall be one space per each cottage home and two spaces per each cottage home, respectively.
 - Parking shall not be provided within 25 feet of an adjoining street right-of-way or property line unless screened from such right-of-way by a Type A buffer.

- Parking for cottage developments should generally be dispersed across the site in groupings of six or fewer spaces unless precluded by access or other site design constraints. No more than 12 spaces shall be grouped together.
- j. Cottage developments shall not contain accessory dwellings, except that an accessory dwelling of not more than 400 square feet may be provided above a detached garage. The number of such accessory dwellings shall not exceed 50% of the total number of cottage homes in a cottage development. One additional parking space shall be required for each such accessory dwelling.
- k. Open space requirements for cottage developments shall be of two types, as specified below:
 - Common open space – A minimum of 500 square feet shall be provided for each cottage home and a minimum of 300 square feet shall be provided for any accessory dwelling. Common open space shall be arranged so that at least 75% of the cottage homes have direct front door access to the open space so that it forms a central common green. See the illustration below.



- Private open space – A minimum of 300 square feet shall be provided for each cottage home. Private open space shall be designated by fencing, landscaping, hardscaping or other means to create a separate private area for the exclusive use of the person(s) residing in each individual cottage home. If the required private open space is provided in more than one location (such as a flower bed in the front and a fenced yard or patio in the rear), no one area shall contain less than 100 square feet.

- I. Cottage homes and accessory structures shall comply with the following design standards:
- Each cottage home shall be provided with an unenclosed, roofed porch off the front entrance. This porch shall contain a minimum floor area of 80 square feet and shall have a minimum dimension of eight feet along any one side. Such porches may be screened but shall not be enclosed.
 - Cottage homes and accessory structures shall have a gable or hip roof with a pitch of 4:12 or greater. Roofed porches, decks or stoops may be covered with a shed roof. Dormers that do not exceed the peak of the main roof structure are allowed.
 - The rear side of any cottage home or accessory structure within 25 feet of an adjoining street right-of-way shall not face the street right-of-way.
 - Exterior siding materials for cottage homes and accessory structures shall be clapboard (wood, vinyl, or fiber-cement), stucco, stone, or brick or a combination thereof."

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. This ordinance shall become effective upon adoption.

Read, approved, and adopted this 19th day of June, 2007.




City Clerk



Mayor

Approved as to form:



City Attorney